

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mitsuru SHINGYOHUCHI et al.

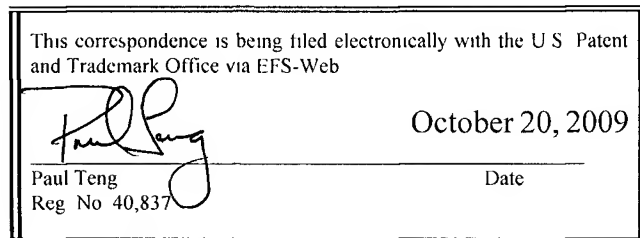
Application No.: 10/561,303

Group Art Unit: 2861

Date Filed: June 21, 2004

Examiner: Henok Legesse

For: AN IMAGE FORMATION APPARATUS



30 Rockefeller Center, 20th Floor
New York, New York 10112
Tel.: (212) 278-0400

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING
OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

A Notice Of Abandonment dated October 15, 2009 was issued by the United States Patent and Trademark Office (Patent Office) in connection with the above-identified application ("the October 15, 2009 Notice Of Abandonment"). The October 15, 2009 Notice Of Abandonment states that the application has been abandoned since applicant failed to timely file a proper reply to an Office Action mailed on March 24, 2009. A copy of the October 15, 2009 Notice Of Abandonment is attached hereto as **Exhibit A**.

However, the Office Action allegedly mailed by the Patent Office was never received by Applicant and Applicant's attorneys of record in connection with this application.

The file jacket and docketing records maintained by the undersigned's firm (Applicant's

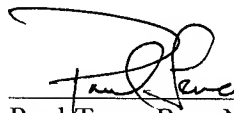
attorneys of record) for this application were searched, and no evidence was found to suggest that the Office Action purportedly mailed by the Patent Office was ever received by the undersigned's firm in connection with this application. For example, such Office Action was not found in the file jacket maintained for this application. In addition, there is no information in the docketing records for this application indicating that such Office Action was ever received.

Attached hereto as **Exhibit B** is a computer printout of the (computer) docketing records maintained by the docketing department of the undersigned's firm. If an Office Action had ever been received, the printout would show entries indicating a response to Office Action was due (typically) three months from the date of the Office Action, as well as additional entries corresponding to the one-month, two-month and three-month extended due dates, respectively. No such entries are present in the docketing records maintained for this application (as shown in Exhibit B).

Applicant hereby petitions to the Director to withdraw holding of abandonment, and requests that the Office Action be remailed with a restarted response period.

No fee is deemed necessary in connection with the filing of this Petition. If, however, any fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,



Paul Teng, Reg. No. 40,837
Attorney for Applicant
COOPER & DUNHAM LLP
Tel.: (212) 278-0400

Date: October 20, 2009

EXHIBIT A

to

**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING
OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION
(Serial No. 10/561,303)**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10/561,303	12/19/2005	Mitsuru Shingyohuchi	2271/75606	2807
23432 7590 10/15/2009 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112			EXAMINER LEGESSE, HENOK D	
			ART UNIT 2861	PAPER NUMBER
			MAIL DATE 10/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

10/561,303

Applicant(s)

SHINGYOHUCHI ET AL.

Examiner

HENOK LEGESSE

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of.

- 1 ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 March 2009.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114)
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
- 3 ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37)
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- 5 ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- 6 ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

On the phone conversation made on 10/13/2009, attorney Paul Teng (Reg No. 40,837) confirmed that the application is abandoned.

/MATTHEW LUU/
Supervisory Patent Examiner, Art Unit 2861

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term

EXHIBIT B

to

**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING
OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION
(Serial No. 10/561,303)**



Patent: 75606, United States, REGULAR CASE TYPE, NATIONAL CASE, ORIGINAL OR PATENT CASE

Patent Data

Docket Number	75606	Attorney	IVAN S. KAVRUKOV
Country	United States	Agent	ELISA KIM
Case Type	REGULAR CASE TYPE	Client\Division	RICOH COMPANY, LTD.
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	2271
Filing Type	NATIONAL CASE	Previous Owner	
Filing Number		On Dennemeyer (yes/no)	
Status	Filed	First Filing Date	12/19/2005
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	10/561,303	Application Date	12/19/2005
Patent Number		Grant Date	
Publication Number	2007-0097163A1	Publication Date	5/3/2007
Assigned	ASSIGNMENT RECORDED	Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Custom Party #1		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code		Customer Name	Cooper & Dunham

Title

AN IMAGE FORMATION APPARATUS

Description

Current Expense Information

Other Case-Related Information

Actions

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
PCT APPLICATION HAS BEEN FILED							
Check Declaration/Refund				2/19/2006			

(if needed)

Filing Receipt Received	2/1/2007			
Rejection mail date	9/17/2007		9/13/2007	
Second office action	3/24/2008		3/20/2008	
Final Rejection mail date	10/20/2008		10/16/2008	
Information Disclosure Statement	1/30/2009		1/30/2009	
Information Disclosure Statement	3/19/2006	12/19/2005		
File Assignment	3/19/2006	12/19/2005		
Projected Publication date	6/19/2007	5/17/2007		5/3/2007
Rejection response due	12/13/2007	12/12/2007		12/12/2007
Rejection response due - 1st e	1/13/2008	12/12/2007		12/12/2007
Rejection response due - 2nd e	2/13/2008	12/12/2007		12/12/2007
Rejection response due - final	3/13/2008	12/12/2007		12/12/2007
Information Disclosure Statement	5/28/2008	3/25/2008	5/28/2008	3/27/2008
Reponse 2nd office action	6/20/2008	6/16/2008	9/20/2008	6/16/2008
2nd OA - 4 MONTH RESPONSE DUE	7/20/2008	6/16/2008	9/20/2008	6/16/2008
2nd OA - 5 MONTH RESPONSE DUE	8/20/2008	6/16/2008	9/20/2008	6/16/2008
Information Disclosure Statement	9/17/2008	7/24/2008	9/17/2008	7/24/2008
2nd OA - 6MO FINAL DEADLINE	9/20/2008	6/16/2008	9/20/2008	6/16/2008
Request for continued examination	1/9/2009	1/9/2009		1/12/2009
Final Rejection Due	1/16/2009	1/9/2009	4/16/2009	1/12/2009
Appeal due	1/16/2009	1/9/2009	4/16/2009	1/12/2009
Petition to Revive Due - 2 month deadline	2/15/2009			
Final Rejection - 1st ext.	2/16/2009	1/9/2009	4/16/2009	1/12/2009
Appeal due - 1st extension	2/16/2009	1/9/2009	4/16/2009	1/12/2009
Final Rejection - 2nd ext.	3/16/2009	1/9/2009	4/16/2009	1/12/2009
Appeal due - 2nd extension	3/16/2009	1/9/2009	4/16/2009	1/12/2009
File IDS based on Search Report	3/23/2009	3/19/2009	3/23/2009	1/30/2009
Final rejection deadline	4/16/2009	1/9/2009	4/16/2009	1/12/2009
Appeal Due - Final Deadline	4/16/2009	1/9/2009	4/16/2009	1/12/2009
Abandon?	10/30/2009			

Inventors

Inventor Name	Assignment Date	Custom Text #2	Inventor	Inventor Date #2	Inventor 1	Inventor 2	Real Number 1	Real Number 2
MITSURU SHINGYOHUCHI								

CreateUser: MAM

UpdateUser: CDUN\MCQURAND

CreateDate: 12/21/2005

UpdateDate: 10/19/2009

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